

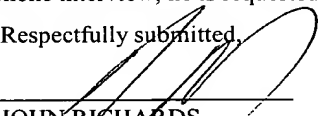
### REMARKS

The Examiner is thanked for her suggestions as to how to attend to outstanding issues in this case. Her suggestions have been adopted with respect to the 35 USC 112 matter and submitted herewith are a petition to disregard the original declaration and a fresh declaration specifically referring to the preliminary amendment that was filed with the application and affirming that the applicant was inventor of the subject matter contained in that amendment.

The Examiner's view that there is obviousness-type double patenting between the present application and the applicant's prior patent 6,248,782 is respectfully traversed. The present invention claims a process for inhibiting NF-K<sup>B</sup> in a mammalian cell. Patent No 6,248,782 claims therapeutic procedure for treating mammalian diseases caused by retroviruses. The applicant does not agree that it is obvious that because a compound is useful for treatment of diseases caused by retroviruses that it is obvious that such compounds will inhibit NF-K<sup>B</sup> in a mammalian cell. The examiner suggests that the claims of the prior patent are merely directed to a species of the present invention. This is not so. As explained in the introduction to the present application, transcription factors which serve to rapidly induce expression of a variety of genes in response to extracellular stress or physiological signaling pathways. This may be relevant to diseases caused by retroviruses but it is in no way obvious that because a compound can be used in treatment of diseases caused by retroviruses that inhibition of a transcription factor is involved. Nevertheless in the interests of expediency and in view of the short period of time involved in a disclaimer, the applicant is willing to file a terminal disclaimer based on the term of U.S. Patent 6,248,782 and this is enclosed.

In view of the foregoing it is believed that this application is now in order for allowance and reconsideration of the final rejection with a view to the issue of a early action to this end is respectfully solicited. If the Examiner believes it would be useful to discuss this matter either personally or in a telephone interview, he is requested to let us know so that this can be arranged.

Respectfully submitted,



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